REMARKS

In the Office Action of October 26, 2007, claims 2 and 8-9 were rejected under Section 112. In particular, claim 2 was rejected for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and claims 8-9 were rejected because the Examiner was unable to determine the metes and bounds of the claims. Solely to expedite examination of the other claims, these claims 2 and 8-9 have been canceled without prejudice.

As for the remaining claims, they have all been rejected under Section 103(a). Claims 1, 3-6, 8-12, 14, 20, and 21 have been rejected for being unpatentable over U.S. Patent No. 6,632,191 ("Headley") in view of U.S. Patent No. 4,985,153 ("Kuroda"). Claims 7 and 13 have been rejected for being unpatentable over Headley in view of Kuroda, and further in view of U.S. Patent No. 6,743,192 ("Sakota"). For reasons that will be described in greater detail herein, independent claims 1 and 20 are patentably distinct from the proffered combination of Headly and Kuroda, so it is respectively requested that these rejections be withdrawn and the presently pending claims be allowed.

Independent claims 1 and 20 each recite a step of "disconnecting the source from the fluid circuit after said processing of the collected blood begins and before all of the blood in the fluid circuit is processed in the processing chamber." This is clearly distinguishable from the prior art of record, and namely Headley, which only describes systems wherein a donor is disconnected from the system before processing begins or after processing ends. As previously pointed out, the prior art system shown in Fig. 1 of

Headley involves disconnecting the donor before processing any blood. Column 1, lines 33-39. The other systems described in Headley involve disconnecting the donor from the system either before processing begins or after it ends, as stated at lines 7-12 of column 4 and elsewhere throughout the specification. Accordingly, it is respectfully submitted that these independent claims and all claims dependent therefrom are patentable over the prior art of record.

The Examiner cites column 1, lines 25-60 and column 4, lines 1-10 of Headley as teaching a step of disconnecting a donor from the system after processing begins, but before it ends. This is simply not the case. Column 1, lines 33-39 reads: "After the desired amount of blood has been collected into collection bag 12, the needle 10 is removed from the donor, and the tube 11 is cut and heat sealed. The remainder of the bag set is then brought to a centrifuge, which spins the bag set so that the blood in collection bag 12 separates into plasma and red blood cells. Typically, the centrifuge is not located at the point where the blood donation takes place." This passage clearly calls for the donor to be disconnected prior to processing, and it will be seen that there is no other section of column 1 that refers to a time for disconnecting the donor, much less a time during blood processing.

As for the second-quoted section of Headley, it reads in pertinent part: "In the embodiment depicted in FIG. 2, the donor is preferably disconnected from the system before any plasma is urged from the rotor 21. In a further preferred embodiment, the donor is disconnected from the system before the rotor is spun to separate the blood into plasma and red blood cell components." (Column 4, lines 7-12). Neither of these

described embodiments teaches donor separation during blood processing. Each embodiment presents merely a deadline, i.e., the first embodiment calls for the donor to be disconnected before plasma is urged from a rotor, while the second calls for the donor to be disconnected before the rotor is spun to separate the blood into plasma and red blood cell components. The rejection of the claims using the above passage requires improperly treating the two embodiments as mutually exclusive (with the first embodiment covering situations wherein the donor is disconnected during processing and the second embodiment covering situations wherein the donor is disconnected before processing begins) or otherwise reading something into the first embodiment that is not actually there, i.e., the idea that the donor is disconnected from the system after blood processing has begun. A review of the above-cited passage, especially when considered in the context of the rest of the patent disclosure, shows that there is no such teaching or suggestion. Indeed, Headley includes no discussion of a mid-processing disconnect capability and there is certainly no discussion of how such a disconnection would be implemented for the described system.

Further, it does not necessarily follow that the first embodiment suggests mid-processing disconnection of the donor. Headley describes one process whereby the donor is disconnected prior to blood processing and another whereby the donor is disconnected after blood processing is complete, with no provision for disconnecting the donor during blood processing. The two embodiments discussed in the above-cited passage can only be understood as referring to the pre-processing disconnection process, rather than as providing a basis for a third, completely undescribed and non-

enabled mid-processing disconnection process. In view of this, the present rejection of the claims seems to improperly employ hindsight, with the claims being used as a roadmap for trying to find something in the prior art that just isn't there.

As Headley fails to teach or suggest the claimed mid-processing disconnection method and there is no assertion that anything else in the prior art provides such a teaching or suggestion, it is respectfully requested that the rejections of the remaining claims be withdrawn.

CONCLUSION

For the above reasons, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,

COOK, ALEX, McFARRON, MANZO
CUMMINGS & MEHLER, LTD.

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By: /Joseph R. Freund/
Gary W. McFarron
Reg. No. 27,357
Joseph R. Freund
Reg. No. 55,191

200 W. Adams Street, Ste. 2850
Chicago, IL 60606
Phone: (312)236-8500
Fax: (312) 236-8176

Customer No. 69275